APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,101	09/12/2003	Michael Mastropietro	1842.005US1	6568

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EXAMINER
WONG, JEFFREY KEITH

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
11/12/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/661,101	MASTROPIETRO ET AL.
	Examiner	Art Unit
	Jeffrey K. Wong	3714

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 July 2009</u>.

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)　　　　　　　　　　　　4) ☐ Interview Summary (PTO-413)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)　　　　　Paper No(s)/Mail Date. _____

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)　　　　　　　5) ☐ Notice of Informal Patent Application

　　Paper No(s)/Mail Date _____　　　　　　　　　　　　　　　　6) ☐ Other _____

DETAILED ACTION

Status of the Application

1.   This Office-Action acknowledges the Amendment filed on 7/2/2009 and is a

response to said Amendment.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-3, 6-7, 9-19, 22-23, 25-28, 31, 34 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Benbrahim et al., US2005/0059453 (Benbrahim)

Regarding Claims 1, 10, 17, 26.

A method for evaluating a game outcome on a gaming machine (para 40. It is well

known in the art that casino games evaluate game outcomes),

the method comprising:

receiving during the runtime of a wagering game a game rules script (Abstract and elem

708. Compiled code associated with play of the game may be executed using a

processor of the apparatus), the game rules script comprising text specifying a set of

displayable game elements for a wagering game (Para 3 and 5. The script is associated

in the play of the game. If it is desired to change the configuration of the gaming

machine (for example, to modify video displayed on, or audio generated by, the gaming machine), the program in the high-level programming language must be modified. It is obvious that displaying game elements is associated with playing a game. para 107. A script file may be written and/or stored in a textual format.), the text further defining one or more rules to determine a set of one or more winning outcomes in terms of one or more of the set of displayable game elements (para 5. The method may also comprise determining a value payout associated with an outcome of the game.);

parsing the games rules script into a game rules data structure (para 4. A different approach is to include most functionality of a program in machine-executable code, but to put some of the program's functionality in a "script file," where the script file includes instructions written in a high-level scripting language. Typically, the script file itself must be compiled using a script file compiler. Then, at run-time, a "virtual machine" executes the compiled script file. To debug the script file, a special debugging tool set is used. Thus, this approach requires two different compilers (one for the main portion of the program and one for the script file) and, similarly, two different sets of debugging tools. In computers, parsing is viewed as analyzing a string of characters in order to associate groups of characters into more easily processed components. When a script is to be compiled, it must be parsed first before it can be compiled. In this case, the compiling of the script is viewed as the parsing of the games rules script since the rules script needs to be parsed first before it is compiled.); generating a game outcome (para 71. At block 394, the routine may determine whether the poker hand represented by the playing card images 352 currently displayed is a winner.); and determining if the game outcome

matches at least one winning outcome in the set of winning outcomes in accordance

with the game rules data structure (para 71. The methods of playing poker and

determining the outcome is well known)

Regarding Claims 2, 27.

The method of claim 1, wherein the set of winning outcomes comprise winning

outcomes for a card game (para 71. Poker is a card game.).

Regarding Claims 3, 28.

The method of claim 2, wherein the card game comprises a poker card game (para 71.

Poker is addressed).

Regarding Claims 6, 31.

The method of claim 1, wherein each winning outcome in the set of

winning outcomes comprises a set of match rules (The winning outcome of a poker

game is based on a set of match rules. In this case, the particular poker hand the player

has been dealt), wherein the game outcome includes one or more displayable game

elements from the set of displayable game elements (The displayable elements are the

cards displayed on the screen to the player), and wherein determining if the game

outcome matches at least one winning outcome includes determining if each match rule

in the set of match rules for a winning outcome matches at least one game displayable

game element (para 71. The method of playing poker is determined is well known. In

this case, the outcome is determined based on the hand the player has compared to the

possible hands a player may achieve.).

Regarding Claims 7, 32.

The method of claim 6, wherein the game element comprises a playing card (para 71.

Poker is a card game).

Regarding Claims 9, 25, 34.

The method of claim 6, wherein determining if each match rule in

the set of match rules for a winning outcome matches at least one game element

includes the tasks of:

a. comparing a displayable game element with a match rule in the set of match rules

(para 71. Cards of a poker hand are compared with possible winning poker hands);

b. if the displayable game element matches a match rule, then:

removing the displayable game element from the plurality of displayable

game elements to form a reduced set of displayable gaming elements (para 71. Poker

allows for players to discard cards which removes chosen card or cards from a player's

hand),

removing the match rule from the set of match rules to form a reduced set of match

rules (para 71. If a player chooses to discard one or more cards, the winning

combination using the one or more discard cards can not longer be applied)

executing tasks a and b on the reduced set of displayable gaming elements

and the reduced set of match rules (para 71. The possible winning combination is reduced when a player discards cards from his or her poker hand); and

c. determining that each match rule has been matched when no rules remain in the reduced set of match rules (para 71. The winning outcome of poker is determined when the poker hand a player has is matched to a possible winning poker hand.)

Regarding Claim 11.

The computer-readable medium of claim 10, wherein the set of rules include a rank matching rule (para 71. Cards in a poker hands are based on rank).

Regarding Claim 12.

The computer-readable medium of claim 11, wherein the rank matching rule defines an exact match to a rank (para 71. Cards in a poker hands are based on an exact match to a rank).

Regarding Claim 13.

The computer-readable medium of claim 11, wherein the rank matching rule defines a numerical comparison to a rank (para 71. Cards in a poker hands are based on a numerical comparison to a rank).

Regarding Claim 14.

The computer-readable medium of claim 10, wherein the set of rules includes a suit matching rule (para 71. Cards in a poker hand are associated with a suit).

Regarding Claim 15.

The computer-readable medium of claim 10, wherein the set of rules includes a wild card definition rule (para 71. It is well known in the art that variations of traditional poker can have the use of wild cards.).

Regarding Claim 16.

The computer-readable medium of claim 10, wherein each winning outcome in the set of winning outcomes includes a payout amount (para 71. It is well known that payouts are given to winning outcomes of a poker hand).

Regarding Claim 18.

The computerized gaming system of claim 17, wherein the set of winning outcomes comprise winning outcomes for a card game (para 71. Poker has winning outcomes).

Regarding Claim 19.

The computerized gaming system of claim 18, wherein the card game comprises a poker card game (para 71).

Regarding Claim 22.

The computerized gaming system of claim 17, wherein each winning outcome in the set of winning outcomes comprises a set of match rules, wherein the game outcome includes a plurality of displayable game elements, and wherein the gaming application is further operable to determine if each match rule in the set of match rules for a winning outcome matches at least one displayable game element (para 71. Poker can have hands which result in winning outcomes).

Regarding Claim 23.

The computerized gaming system of claim 22, wherein the displayable game element comprises a playing card (para 71. Poker comprises a playing card).

4.   Claims 4, 5, 8, 20, 21,24, 29, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benbrahim et al., US2005/0059453 in view of Perrie et al., US 2002/0036380(Perrie).

Regarding Claims 4, 5, 20, 21, 29-30.

Benbrahim discloses the claimed invention as discussed in Claim 1 but fails to disclose wherein the set of winning outcomes comprise winning outcomes for a dice game. However, Perrie teaches of how the popular game trademarked YAHTZEE by Hasbro, Inc. is basically a draw poker variation in which the players are allowed, twice, to "replace" existing rolls of five dice (para 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Perrie's game of Yahtzee is an obvious variation of poker games found in casinos that can be

implemented with selectable scripts as taught by Benbrahim.

Regarding Claims 8, 24, 33

Benbrahim discloses the claimed invention as discussed in Claim 6 but fails to disclose wherein the game element comprises a playing card.

However, Perrie teaches of how the popular game trademarked YAHTZEE by Hasbro, Inc. is basically a draw poker variation in which the players are allowed, twice, to "replace" existing rolls of five dice (para 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Perrie's game of Yahtzee is an obvious variation of poker games found in casinos that can be implemented with selectable scripts as taught by Benbrahim.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-

3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/   JKW
Primary Examiner, Art Unit 3714